IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIFTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE Mr. JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 21480 of 2004

Between:

P. Veeranna, S/o late Linga Raju, 75 years, Business, R/o 32-2-8, Seethamma Noothi sandu, Rajahmundry, E.G.District.

..... PETITIONER

AND

1. The Executive Officer, P.M.K.Choultry, Rajahmundry, E.G.District.
2. The Dy.Commissioner of Endowments, Kakinada, E.G. District.
3. The Addl.Commissioner, Endowments Department, Andhra Pradesh, Tilak Road, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased t o issue appropriate writ, or direction or order more particularly one in the nature of writ of certiorari call for the records relating to and connected with order dated 31.12.2002 in I.A.No.19 of 2002 in O.A.No.116 of 2002 of the second respondent and for consequential confirmation order dated 26.10.2004 which was ordered in R.P.No.2 of 2004 of the third respondent and quash or set aside the same as erroneous, arbitrary, violative of article 14 of the Constitution of India and also to Sections 83,84 and 85 of the A.P. Charitable and Hindu Religious Institutions & Endowments Act, 1987, and pass such other order or orders as this Hon'ble Court may deem fit and proper.

Counsel for the Petitioner:MR.A.L.RAJU

Counsel for Respondent No.1: SMT.N.INDRANI

Counsel for Respondents 2 and 3: G.P. for Endowments

The Court at the stage of admission made the following ORDER:

Petitioner is in occupation of certain premises belonging to P.M.K. Choultry, Rajahmundry, the first respondent. Proceedings were initiated against him for eviction before the Deputy Commissioner of Endowments, Kakinada, the second respondent. The same was taken up as O.A.No.116 of 1999. In that, I.A.No.19 of 2002 was filed by the first respondent for a direction to the petitioner to deposit the rents. It was pleaded that the premises would fetch a sum of Rs.15,000/- whereas the petitioner is paying only Rs.2,000/-. The second respondent passed an order dated 31.12.2002 directing the petitioner to deposit a sum of Rs.5,000/-. Aggrieved thereby, the petitioner filed R.P.No.2 of 2004 before the third respondent. The R.P. was dismissed through order dated 26.10.2004.

Heard learned counsel for the petitioner and learned counsel for the respondents.

A perusal of the orders passed by respondents 2 and 3 discloses that the petitioner is in occupation of the premises since last several decades and in the market the premises would fetch rent of not less than Rs.15,000/- per month. The second respondent has taken all these aspects into account and fixed the rent to be paid tentatively at Rs.5,000/-. The third respondent has also discussed the mater with reference to the premises and the nature of tenancy. The petitioner was not able to demonstrate that the premises of similar nature in the concerned locality would fetch a rent, less than Rs.5,000/-. In fact, the

allegation of the respondents that it fetches Rs.15,000/- per month virtually stood un-rebutted.

Hence, this Court does not find any basis to interfere with the same. The writ petition is accordingly dismissed. No order as to costs.

25.11.2004

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To

1. The Executive Officer, P.M.K.Choultry, Rajahmundry, E.G. District.
2. The Dy.Commissioner of Endowments, Kakinada, E.G. District.
3. The Addl.Commissioner, Endowments Department, Andhra Pradesh, Tilak Road, Hyderabad.
4. Two CC. To the G.P. for Endowments, High Court of A.P., Hyderabad(OUT)
5. Two CD copies.